

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

SOLO COMPUTERS §
Plaintiff, §
§
§
v. § CIVIL ACTION NO. 5:17-cv-00024
§
§
SENTINEL INSURANCE COMPANY, §
LIMITED §
Defendant §

NOTICE OF REMOVAL

Defendant Sentinel Insurance Company, Limited ("Sentinel" or "Defendant") files this Notice of Removal and, in support thereof, would show the Court as follows:

1. On December 15, 2016, Plaintiff Solo Computers ("Plaintiff") filed its Original Petition (the "Petition") in Cause Number 2016CV06917, in the County Court at Law No. 3, Bexar County, Texas. Defendant Sentinel Insurance Company, Limited was served on December 21, 2016. Defendant filed its answer in the State Court on January 11, 2017.

2. Pursuant to 28 U.S.C. § 1446(a) attached hereto are copies of all process, pleadings and orders served upon Defendant and all pleadings and orders in the removed case. In particular: (i) an index of the matters filed herewith is attached as Exhibit A; (ii) a copy of the citation and executed service return is attached as Exhibit B; (iii) a copy of the Plaintiff's petition is attached as Exhibit C; (iv) a copy of Defendant's answer is attached as Exhibit D; (v) a copy of the docket sheet in the state court action is

attached as Exhibit E; and (vi) a list of all counsel of record, including addresses, phone numbers, and the parties represented is attached as Exhibit F.

3. This notice of removal is timely filed under 28 U.S.C. §1446(b) because it is filed within thirty days after Defendant Sentinel first received a copy of a paper from which it could first be ascertained that the case is one which is or has become removable; *i.e.*, Plaintiff's Original Petition.

4. The claims asserted against Defendant are civil actions over which this Court has original jurisdiction pursuant to 28 U.S.C. § 1332. At the time this action was commenced, Plaintiff was, and still is a citizen of the State of Texas because it is a Texas Limited Liability Company with its principal place of business in the State of Texas. Defendant was, at the time this action was commenced, and still is, a citizen of the States of Connecticut because it is incorporated under the laws of and has its principal place of business in Connecticut.

6. The amount in controversy exceeds \$75,000 based on Plaintiff's state court Petition, ¶¶ IX, X, XI, XII.¹

7. The one-year statute of limitation on removal of diversity cases imposed by 28 U.S.C. § 1446(b) does not prevent removal because this action was commenced less than one year ago.

¹ More specifically, despite a reference to an amount that Plaintiff "currently seeks" in Paragraph I, Plaintiff alleges the following claims and damages: Breach of Contract (¶ VII, A), violation of Chapter 542 of the Texas Insurance Code (¶VII, B), violation of the Texas Deceptive Trade Practices -Consumer Protection Act (¶VII, C), violation of Chapter 541 of the Texas Insurance Code (¶ VII, D), and breach of the common law duty of good faith and fair dealing (¶ VII, E), for which Plaintiff seeks actual damages, consequential damages, 18% interest, additional statutory damages for alleged "knowing and intentional conduct, exemplary damages, and attorney's fees (*see* ¶¶ IX- XII). Thus, the Petition establishes that the amount in controversy exceeds \$75,000.

8. Notice to State Court. Pursuant to 28 U.S.C. § 1446(d), Defendant intends to serve written notice of this removal on the state court promptly after filing this Notice of Removal.

FOR THESE REASONS, Defendant hereby effectuates removal of this cause to this Court.

Respectfully submitted,

/s/ Laura J. Grabouski

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**ATTORNEYS FOR DEFENDANT SENTINEL
INSURANCE COMPANY, LIMITED**

CERTIFICATE OF SERVICE

I hereby certify that on January 13, 2017, a true and complete copy of the above and foregoing instrument has been served via First Class Regular Mail on Plaintiff's counsel of record as follows:

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/s/ Laura J. Grabouski
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